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EXAMINER	
VAN HANDEL, MICHAEL P	
ART UNIT	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	09/841,149	SAHOTA, RANJIT	
	Examiner	Art Unit	
	MICHAEL VAN HANDEL	2424	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 September 2009*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____ .

DETAILED ACTION

Response to Amendment

1. This action is responsive to an Amendment filed 9/21/2009. Claims **1-27** are pending. Claims **1**, **8**, **15**, **20**, **24**, **27** are amended. Applicant's amendment to the specification is hereby entered. The examiner hereby withdraws the rejection of claim **24-27** under 35 USC 101 in light of the amendment.

Response to Arguments

2. Applicant's arguments regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, filed 9/21/2009, have been fully considered, but they are not persuasive.

Regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Marler et al. does not teach or suggest creating one or more customized, personalized or targeted integrated video stream by integrating two-way interactive content with an unmodified video data stream in response to one or more business or personalization rules. The examiner respectfully disagrees. The applicant specifically argues that the stream of Marler et al. is not personalized or customized or targeted in any way and that, instead, Marler et al. leaves it to individual viewers to decide whether or not to access the ancillary information and provides indicators in the stream to assist in such decision making. As noted in the Office Action mailed 6/19/2009, Marler et al. discloses a content creator 12 that originates enhancement data (or other type of ancillary information) and television content (or other type of content including audio and/or video data),

the combination of which is referred to as enhanced television content (p. 1, paragraph 13 & Fig. 1).

Marler et al. further discloses that software 52 resident on the server or content creator 12 begins receiving content to be transmitted and then receives ancillary information that is to be transmitted in association with the content. Based on the content of the ancillary information, an icon locator is developed. The icon locator provides a pointer to a location of information about a content-identifying icon. The icon is a graphical symbol that indicates the nature of all or part of the content in the ancillary information (p. 3, paragraph 33). This icon locator may be a uniform resource locator (URL) that points to an Internet web address containing information about a suitable icon that may be displayed to provide the user with information about the content contained in the ancillary information or may point to a location in the transmitted ancillary information that may be utilized to access and then display a suitable icon (p. 3, paragraph 35). Marler et al. states that the indicators may provide the user with greater information about the ancillary information that has been provided with the television content, enabling the user to make an informed decision about whether or not to access the ancillary information (p. 3, paragraph 32). Marler et al. provides an example where an indicator may be indicative that the ancillary information is targeted towards children (p. 3, paragraph 31). Since Marler et al. provides an example where ancillary information targeting a specific audience (personalized for children in this case) is transmitted with a video program, the examiner interprets this as "creating one or more customized, personalized or targeted integrated video streams," as currently claimed.

The applicant further argues that providing ancillary information should not be rationalized as integrating content in response to one or more business or personalization rules and further argues that the content is integrated independently of the ultimate viewer decision. Applicant argues that the integration does not follow the decision, the decision follows the integration and that the processes are fundamentally different and distinct and one does not suggest the other. The examiner fails to find any language directed towards a viewer decision in the claims. Marler et al. discloses providing ancillary information and an indicator to a user indicating the type of ancillary information (children's content, for example)(p. 3, paragraphs 31, 32). The examiner interprets this content as content targeted towards children. The examiner fails to find any difference between the processes of Marler et al. and the processes of the claimed invention, as currently claimed.

Further regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that Mao et al. does not teach or suggest creating one or more customized, personalized or targeted integrated video data stream by integrating two-way interactive content with an unmodified video data stream in response to one or more business or personalization rules. The examiner respectfully disagrees. Mao et al. discloses providing seamless integration of Internet services and digital television signals. Mao et al. discloses that a user interacts with webcast services by sending a request to a MORECAST client engine. The MORECAST engine extracts Web data from a Web site and provides it to the user (col. 6, l. 30-42, 64-67). The user can go to the Web content and go to each URL linked to the pages as required (col. 7, l. 1-4). Since the user can interact with the content through the user interface and receive new pages in response, the examiner interprets this to be "two-way interactive content," as currently claimed. Applicant argues that Mao et al. is

concerned with one-way interactivity, not two-way interactivity. The examiner respectfully disagrees. Mao et al. is concerned with a one-way Webcasting service (col. 2, l. 48), but discloses interacting with content in a way that is two-way, as discussed above.

Still further regarding claims **1**, **8**, **15**, **20**, **24**, and **27**, the applicant argues that the personalization of Mao et al. is done outside of the broadcasting of television content. Applicant specifically argues that providing access to information during a specific viewing period or with a specific program does not teach or suggest creating one or more customized, personalized or targeted integrated video data stream by integrating two-way interactive content with an unmodified video data stream in response to one or more business or personalization rules. The examiner respectfully disagrees. As noted in the Office Action mailed 6/19/2009, Mao et al. discloses providing seamless integration of Internet services and the coming digital television signals. The headends of cable systems multiplex MPEG video signals and Internet signals into MPEG channels which can be customized for each consumer's particular use and demands (col. 2, l. 37-43). Mao et al. further discloses that users of the system can receive program synchronous Webcasting information for each segment of the digital video programming. For example, one can access additional Web based information, such as a Web page about a TV commercial currently showing on TV (col. 2, l. 62-66). A MORECAST Simulcast Data service provides HTML based Webcasting content, such as advertisements related to the program, associated with each digital broadcast TV channel and makes the simulcast data available to all clients who are tuning to the program segment that the data is associated with (col. 3, l. 16-27 & col. 4, l. 41-50). Since Mao et al. discloses associating Webcasting advertisements with associated program segments and making the advertisements available to all clients tuned to the

program segments, the examiner interprets this as "automatically integrating, in response to one or more business or personalization rules, two-way interactive content with an unmodified video data stream comprised of television (TV) broadcast content," as currently claimed.

Mao et al. further discloses a MORECAST Personalized Data service that provides HTML based Webcasting content that is personalized based on each user's individual profile and viewing time (col. 3, l. 27-29 & col. 4, l. 50-52). This also meets the limitation of "automatically integrating, in response to one or more business or personalization rules, two-way interactive content with an unmodified video data stream comprised of television (TV) broadcast content," as currently claimed. The examiner fails to see how this is done outside of the broadcasting of television content, since the data is associated with particular programs and with particular subscribers of the programs.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims **1**, **8**, **15**, **20**, **24**, and **27** are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent Application Publication 2001/0003212 to Marler et al. (Marler).

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Marler teaches a content creator (12) providing enhancement data and television content to be transmitted by the transport operator

(14) (p. 1, paragraph 13) to receivers (16). Marler teaches in response to one or more business or personalization rules (p. 3, paragraphs 31-33, 35 & Fig. 3), creating one or more customized, personalized or targeted integrated video data streams by automatically integrating two-way interactive content with an unmodified video stream (p. 3, paragraphs 31, 32) and transmitting the customized, personalized, or targeted integrated video data streams to one or more receivers for display (p. 2, paragraphs 24, 26 & p. 3, paragraphs 27, 30 – see separate transport stream).

Marler et al. further teaches a transport operator 14 that receives A/V content and enhancement content from a content creator 12 over separate ports (p. 2, paragraph 26 & Fig. 1). The controller 106 of the transport operator runs under control of a software routine 108 that is initially stored in a storage medium 104 and loaded by the controller 106 for execution. Instructions and data of the software routine are also stored in the storage medium. The controller creates special announcements to be transmitted with enhancement data. The enhancement data and special announcements are then transmitted to the receivers, where the A/V content is enhanced (p. 2, 3, paragraphs 26, 27).

NOTE: The USPTO considers the applicant's "or" language to be anticipated by any reference containing any of the corresponding elements.

5. Claims **1-5**, **7-12**, and **14-27** are rejected under 35 U.S.C. 102(e) as being anticipated by Mao et al.

Referring to claims **1**, **8**, **15**, **20**, **24**, and **27**, Mao discloses a system and method for integrating television content with Internet content. Mao discloses a headend (Fig. 1), which creates one or more customized, personalized or targeted integrated video data streams (col. 2, l.

62-67; col. 3, l. 1-6, 16-29; & col. 4, l. 41-52) by automatically integrating two-way interactive web content received or downloaded from the world wide web 110 (col. 6, l. 30-42, 64-67; col. 7, l. 1-4; & Fig. 1) with an unmodified TV broadcast content received from analog TV source 30 or digital TV source 40 via receiver 60 (Fig. 1) in response to business or personalization rules (col. 2, l. 62-67; col. 3, l. 1-6, 16-29; & col. 4, l. 41-52). Mao further discloses transmitting the integrated content to a client set-top terminal 150 for display on a TV (Fig. 1).

NOTE: The USPTO considers the applicant's "or" language to be anticipated by any reference containing any of the corresponding elements.

Referring to claims **2**, **9**, **18**, and **22**, Mao discloses the additional web based information is a web page about a TV commercial (col. 2, l. 65-67). Necessarily, the web page is advertising content.

Referring to claims **3**, **10**, and **25**, Mao discloses the user can display the associated web page with the TV commercial (col. 2 l. 65-67) and thus discloses linking the interactive content with the TV broadcast.

Referring to claims **4**, **11**, and **26**, Mao discloses displaying the integrated content to allow a user to interact with the interactive content (col. 7, l. 28-60).

Referring to claims **5** and **12**, Mao discloses transmitting the TV broadcast with web pages without modifying the interactive content and the TV broadcast content (col. 4, l. 9-32 & Fig. 1).

Referring to claims **7** and **14**, Mao discloses providing customized and targeted integrated content (col. 2, l. 40-45).

Referring to claim **16**, Mao discloses the user can access additional information about a commercial (col. 2, l. 63-65).

Referring to claims **17** and **21**, Mao discloses the claimed set-top box 150 (Fig. 1).

Referring to claims **19** and **23**, Mao discloses customizing the interactive content for a specific market, group, or geographic region (col. 2, l. 57-66; col. 3, l. 16-30; & col. 4, l. 41-52).

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7. Claims **6** and **13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mao et al.

Referring to claims **6** and **13**, Mao fails to specifically disclose the claimed advertising banner. Applicant's failure to adequately traverse the Examiner's taking of Official Notice (that it would have been well known that displaying an advertising banner both provides displaying additional information while minimizing obstruction of the primary video content) in the last Office Action is taken as an admission of the fact(s) noticed. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Mao to include the claimed limitation for the benefit of providing a viewer with additional information while minimizing obstructing viewing of the primary video content.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MICHAEL VAN HANDEL whose telephone number is (571)272-5968. The examiner can normally be reached on 8:00am-5:30pm Mon.-Fri..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Christopher Kelley/
Supervisory Patent Examiner, Art Unit 2424

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